

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

415 Knollcrest Drive, Suite 100, Redding, CA 96002

NOTICE OF PUBLIC HEARING
concerning

**Tentative General Waste Discharge Requirements
And
National Pollutant Discharge Elimination System (NPDES) Permit
For
COLD WATER CONCENTRATED
AQUATIC ANIMAL PRODUCTION FACILITY DISCHARGES
TO SURFACE WATERS**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) currently regulates discharges from cold water Concentrated Aquatic Animal Production facilities (hereafter CAAP facilities) pursuant to individual NPDES permits. The Central Valley Water Board is proposing to adopt a general NPDES permit to regulate discharges from CAAP facilities discharging to the Sacramento and San Joaquin River Basins and the Tulare Lake Basin. The Central Valley Water Board has determined that discharges from CAAP facilities are more appropriately regulated under a general permit than individual permits in accordance with Section 122.28 of Title 40 Code of Federal Regulations (40 CFR). A general permit is authorized for a point source category if the sources (a) involve the same or substantially similar types of operations; (b) discharge the same type of waste; (c) require the same type of effluent limitations or operating conditions; (d) require similar monitoring and (e) are more appropriately regulated under a general permit rather than individual permits.

The proposed General Order would apply to individuals, public agencies, private businesses, and other legal entities that operate facilities which meet the definition of a Concentrated Aquatic Animal Production Facility as defined in section 122.24 of 40 CFR. To be eligible for coverage under this General Order, a fish hatchery, fish farm, or other facility must contain, grow, or hold cold water fish species or other cold water aquatic animals including, but not limited to, the *Salmonidae* family of fish (e.g., trout and salmon). In addition, the CAAP facility must discharge at least 30 calendar days per year, produce at least 20,000 pounds harvest weight (9,090 kilograms) of aquatic animals per year, and feed at least 5,000 pounds (2,272 kilograms) of food during the calendar month of maximum feeding. A Discharger that does not meet the above criteria may also be designated a CAAP facility by the Executive Officer upon a determination that the facility is a significant contributor of pollution to waters of the United States.

A public hearing concerning this matter will be held during the Central Valley Water Board meeting that is scheduled for:

DATE: 27, 28 and 29 January 2010
TIME: 8:30 a.m.
PLACE: Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA

The designated parties for this hearing are as follows:

- Dischargers subject to the proposed General Order

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Board no later than **5:00 p.m. on 18 December 2009**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge.

The tentative Waste Discharge Requirements were issued on **18 November 2009**. Persons wishing to comment on this noticed hearing item shall submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than **5:00 p.m. on 18 December 2009**. Written evidence or comments submitted after **5:00 p.m. on 18 December 2009** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair.

Anyone having questions on the tentative General Order should contact Mr. Bryan Smith by telephone at (530) 224-4845. Interested parties may download the proposed Order and related documents from the Central Valley Water Board's Internet website at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders. Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's Redding office at 415 Knollcrest Drive, Suite 100, Redding, CA 96002; the Sacramento Office at 11020 Sun Center Drive, #200, Rancho Cordova, California, 95670; or the Fresno Office at 1685 E. Street, Fresno, California, 93706, weekdays between 8:00 a.m. and 5:00 p.m.

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/laws_regulations/. Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

NOTICE OF PUBLIC HEARING
TENTATIVE GENERAL ORDER
COLD WATER CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY
DISCHARGES TO SURFACE WATERS

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The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922. Please bring the above information to the attention of anyone you know who would be interested in this matter.

Original Signed By

James C. Pedri, P.E.
Assistant Executive Officer

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